

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Civil Action

Plaintiff,

NO. 18- CV-00777-MEM-WIA

v.

EVANCHICK, et. al.,

Defendants.

FILED
SCRANTON

OCT 09 2018

PER
DEPUTY CLERK

TAKE JUDICIAL NOTICE

THE COURT, on its own motion, takes judicial notice of the following:

1. Federal Rules of Civil Procedure.
2. The records of this court in general, and the Reporter's Transcript of the proceeding of October 5, 2018 in particular.
3. "It is the public policy of this state that public agencies exist to aid in the conduct of the people's business....The people of this state do not yield their sovereignty to the agencies which serve them."
4. "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business....The people of this State do not yield their sovereignty to the agencies which serve them."
5. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves....". CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp 471-472.
6. "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

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7. "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative." *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10 C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls 8. "...This declaration of rights may not be construed to impair or deny others retained by the people." California Constitution, Article 1, Declaration Of Rights Sec. 24.

8. "The state cannot diminish rights of the people." *Hurtado v. People of the State of California*, 110 U.S. 516.

9. "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." *Davis v. Wechsler*, 263 US 22, 24.

10. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v. Arizona*, 384 US 436, 491.

11. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights." *Sherer v. Cullen*, 481 F 946.

12. "Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." *Black's Law Dictionary*, Fifth Edition, p. 626.

13. "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Constitution for the United States of America, Article VI, Clause 2.

14. Americans with disabilities act, (Title II) Public services, which include state and local government instrumentalities, cannot deny services to people with disabilities participation in programs or activities which are available to people without disabilities. For existing facilities, barriers to services must be removed if readily achievable. Miscellaneous (Title V) Includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against the disabled or those attempting to aid people with disabilities in asserting their rights under the ADA.

15. "A 'court of record' is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it..." *Jones v. Jones*,

188 Mo.App. 220, 175 S.W. 227, 229; Ex Parte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J.

16. "The following persons are magistrates: ...The judges of the superior courts...." California Penal Code, Sec. 808.

17. "...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law...." Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.

18. "Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court." Magna Carta, Article 34.

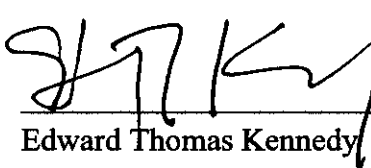
19. "We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.' Conley v. Gibson, 355 U.S. 41, 45-46 (1957). See Dioguardi v. Durning, 139 F.2D 774 (CA2 1944)." Haines v. Kerner, 404 U.S. 519.

20. An act of the court shall prejudice no man. Jenkins' Eight Centuries of Reports, 118; Broom's Legal Maxims, London. ed. 115; 1 Strange's Reports, 126; 1 Smith's Leading Cases, 245-255; 12 English Common Bench Reports by Manning, Granger, & Scott, 415

DATED: October 5, 2018

THE COURT

By


Edward Thomas Kennedy
Attornatus Privatus

THE COURT

WITNESS: the SEAL of the COURT this fifth day of October, 2018

 (SEAL)

St & Thomas Kennedy
 401 T. H. H. Rd.
 Breinerville PA 18031

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Clerk of Court
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 Scranton PA 18503

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